

United States District Court  
Southern District of Texas  
FILED

JAN 04 1999

Michael N. Milby  
Clerk of Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

EDWARD ALCALA, et al.,

Plaintiffs,

vs.

ALEX PEREZ, in his official capacity as  
Sheriff of Cameron County, Texas and  
Cameron County, Texas,

Defendants.

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CIVIL ACTION NO. B-96-203

**PLAINTIFFS' UNOPPOSED  
MOTION FOR EXTENSION  
OF TIME TO FILE MOTION  
FOR SUMMARY JUDGMENT**

Plaintiffs hereby bring their unopposed motion for extension of time to file motion for summary judgment in the above cause and in support of said motion would respectfully show the following:

1. Plaintiffs' counsel below was not able to attend the status conference held in this cause on December 11, 1998 wherein the court set January 11, 1999 as the date to file plaintiffs' motion for summary judgment. The undersigned who will be preparing plaintiffs' brief for summary judgment has a rather complicated multiple party jury trial set for January 11, 1999 and an appellant argument set in the Texas Thirteenth Court of Appeals for January 21, 1999 which will require extensive review of the record, briefs, and preparation for oral argument.

2. Plaintiffs propose to file their summary judgment on the 28th of January, 1999. Contrary to the arguments made by counsel at the December 11, 1998 pretrial conference, it is more than likely that there will only be one issue for summary judgment, i.e., whether

the plaintiff deputies were employed on a salary basis and, if not, the meaning for this case.

The parties believe they can stipulate to the remaining issues discussed.

3. Defense counsel is not opposed to this motion if he is given two and one half weeks to respond to plaintiffs' motion for summary judgment.

**WHEREFORE**, plaintiffs pray that they be allowed until January 28, 1999 to file their motion for summary judgment and that the defendant be allowed until February 15, 1999 to file their opposition thereto.

Respectfully submitted,

BY: 

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**MOTION UNDER RULE 6**

On Tuesday, December 29, 1998, I called Richard O. Burst, attorney for defendants and inquired of Mr. Burst if he opposed said motion and he said he did not.

**CERTIFICATE OF SERVICE**

I, JAMES A. HERRMANN, do hereby certify that on this the 29th day of December, 1998, I caused to be mailed a true and correct copy of Plaintiffs' Unopposed Motion for Extension of Time to File Motion for Summary Judgment to defendants' attorney of record:

Mr. Richard O. Burst  
Legal Division Commissioners' Court  
964 E. Harrison St.  
Brownsville, TX 78520

  
JAMES A. HERRMANN